

REGULAR MEETING AGENDA

FEBRUARY 4, 2009

7:30 COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER

**APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF JANUARY 21, 2009**

ITEMS NOT ADDRESSED ON THE AGENDA_____

PUBLIC COMMENT ON ANY PUBLIC MATTER

CHIEF EXECUTIVE'S REPORT

SECTION I PRESENTATION
COMMUNICATION NO. 09-65

Corey Biggers, Montana Mountain Bike Alliance, requesting time on the 2/4/09 agenda to make a presentation on a proposal for a National Protection Area in the Lionhead.

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENTS ON PROPOSED AMENDMENTS TO THE FY 2008-2009 BUDGET TO CREATE BUDGET AUTHORITY FOR THE GREENWAY SERVICE DISTRICT ACTIVITIES. (Communication No. 09-29 being held in Committee of the Whole) **Proof of publication**

SECTION III PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE FY 2008-2009 BUDGET AUTHORITY FOR THE BUTTE NATIVE PLANT PROPAGATION NURSERY PROGRAM PROJECT IN THE AMOUNT OF \$1,700.00, (Communication No. 09-44 being held in Committee of the Whole) **Proof of publication**

SECTION IV INVITATION FOR BIDS

SEALED BIDS ARE HEREBY INVITED FOR THE 2009 CONSTRUCTION SEASON ASPHALT SUPPLY. (Communication No. 09-52 being held in Committee of the Whole) **Proof of publication**

SECTION V PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE FY 2008-2009 BUDGET AUTHORITY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$666.00 FOR THE LAW ENFORCEMENT DEPARTMENT. (Communication No. 09-56 being held in Committee of the Whole) **Proof of publication**

SECTION VI PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT ON THE PROPOSED BUDGET AMENDMENT TO THE FY 2008-2009 BUDGET AUTHORITY FOR THE NATURAL RESOURCE DAMAGE PROGRAM FOR THE CHILDREN'S FISHING POND PROJECT IN BUTTE. (Communication No. 09-58 being held in Committee of the Whole) **Proof of publication**

SECTION VII PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT ON THE PROPOSED BUDGET AMENDMENT TO THE FY 2008-2009 BUDGET AUTHORITY FOR DRINKING WATER IMPROVEMENT PROJECTS FUNDED BY GRANTS RECEIVED FROM THE NATURAL RESOURCE DAMAGE PROGRAM. (Communication No. 09-59 being held in Committee of the Whole) **Proof of publication.**

SECTION VIII CONSENT AGENDA

- A.
 1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. PETITIONS

1. 09-1 John Harrington, Building Official, requesting on behalf of Wheeler Family LLC to close and vacate a portion of the alley Within Block 1 of the Storey Addition and abutting the Spruce Lode Mining Claim
2. 09-2 John Harrington, Building Official, requesting on behalf of Park Street Partnership, LLC to close and vacate an alley Within the Lizzie Lode and the Colorado Lode.

C. COMMUNICATIONS

1. 09-66 Marijo MacDonald, Law Library, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee**
2. 09-67 Patrick M. Callaghan, County Treasurer, requesting permission to hire Cathy Zemljak as a part time training consultant for 4 to 5 months. **Recommendation: concur and place on file**
3. 09-68 John Moodry, Weed Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
4. 09-69 Don Kronenberger, Commissioner District 5, requesting issue of the “Partnership Strategy” and urging council to revisit their 2006 resolution. **Recommendation: refer to Committee of the Whole until after 2/18/09.**
5. 09-70 John P. Walsh, Sheriff, requesting a petty cash fund be set up to be used by the Detention Center. **Recommendation: refer to Finance & Budget Committee.**
6. 09-71 Milo Manning, Chairman Greenway Service District, requesting a bid opening be scheduled for 2/11/09 for the procurement of precast concrete culverts for Silver Bow Creek Greenway construction. **Recommendation: hold in Committee of the Whole for bid opening on 2/11/09.**
7. 09-72 Sally J. Hollis, Clerk and Recorder – Election Administrator, requesting permission to pay Heritage Bookbinding \$23,000.00 for Historic Preservation Services. **Recommendation: concur and place on file.**

8. 09-73 Frank Kriewalsk, requesting time on the 2/18/09 agenda for County Commissioners from Beaverhead, Madison, and Jefferson Counties and people from Butte to discuss the Beaverhead Deer Lodge National Forest Plan. **Recommendation: Hold in abeyance for 2/18/09.**
9. 09-74 Helen Maunder, expressing gratitude for council's approval of the demolition of the property of 1622 N. Main St. **Recommendation: note and place on file.**
10. 09-75 Rob Macioroski, Director Land Records Department, requesting authorization to issue Developer's Packet for vacant city-county owned property at 1622 N. Main Street, Walkerville, MT. **Recommendation: concur and place on file.**
11. 09-76 Chuck Carrig, Historic Preservation Officer, requesting authorization to obtain quotes for re-survey of South Central Butte. **Recommendation: concur and place on file.**
12. 09-77 Chuck Carrig, Historic Preservation Officer, requesting authorization to obtain bids for re-roofing of the Original Mine Yard Hoist House. **Recommendation: concur and place on file.**
13. 09-78 Chuck Carrig, Historic Preservation Officer, requesting authorization for Chief Executive to sign the certified Local Government Grant Contract for 2009-2010. **Recommendation: concur and place on file.**
14. 09-79 Stephen D. Hess, Acting Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
15. 09-80 Bill Melvin, Civic Center Manager, requesting time on 2/11/09 agenda for a presentation from Schelenker and McKittrick Architects, PC who will be overseeing Elevator modernization project at the Courthouse. **Recommendation: concur and set presentation for 2/11/09.**
16. 09-81 Bill Melvin, Civic Center Manager, requesting time on 2/11/09 agenda for a presentation on energy conservation opportunities throughout Butte-Silver Bow government **Recommendation: hold for presentation on 2/11/09**
17. 09-82 Karen Byrnes, Community Development Director, requesting permission to submit a grant request to Community Development Block Grant Program for an Economic Development Planning Grant. **Recommendation: concur and hold in abeyance**

18. 09-83 Karen Byrnes, Community Development Director, requesting time on 2/18/09 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008-2009 budget. **Recommendation: concur and hold in abeyance.**
19. 09-84 Cindy McIlveen, Planning Specialist, requesting time on the 2/11/09 agenda for a staff presentation and approval on 2/18/09 for endorsement of Comprehensive Parks, Recreation, open space and trails presentation. **Recommendation: hold in Committee of the Whole for presentation on 2/11/09.**
20. 09-85 Dan Dennehy, Public Works Director, regarding 2008-09 Tandem Axle Dump Truck bid award recommendation. **Recommendation: concur and place on file.**
21. 09-87 Dan Dennehy, Director Public Works Department, requesting authorization for Chief Executive to enter into agreement for Big Hole Transmission Line materials change order with Northwest Pipe. **Recommendation: concur and place on File.**

SECTION IX COMMUNICATIONS TO BE READ AND ACTED UPON

23. 09-86 Dave Palmer, Council Chairman, requesting change in deadline for Communications to be placed on Regular Meeting Agendas.

SECTION X ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

**1. COUNCIL BILL NO. 09-1
ORDINANCE NO. 09**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT;” ESTABLISHING A 35 MPG SPEED LIMIT BEGINNING AT THE INTERSECTION WITH HARRISON AVENUE AND CONTINUING WEST ALONG HOLMES AVENUE TO THE INTERSECTION WITH ROWE ROAD AND CONTINUING NORTHWEST ON ROWE ROAD AT 300 FEET NORTH OF THE INTERSECTION WITH LEXINGTON AVENUE, AN APPROXIMATE DISTANCE OF 1.3 MILES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-8

A RESOLUTION APPROVING ACCEPTANCE OF AN EASEMENT FROM FRANK M. ANTONIOLI DESCRIBED AS A PORTION OF THE KINGS CLAY DEPOSIT PLACER, MINERAL APPLICATION NO. 1026, MINERAL ENTRY NO. 880, LOCATED IN A PORTION OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER SECTION 14, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., FOR THE LOCATION OF A STORM SEWER EASEMENT AND NECESSARY APPURTENANCES; FINDING THE NECESSARY FACTS FOR THE RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-9

RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS, SERIES 2009; AWARDING THE SALE THEREOF AND APPROVING THE OFFICIAL STATEMENTS THERETO.

**SECTION XI ORDINANCES AND RESOLUTIONS -
FOR FINAL READING**

**1. COUNCIL BILL NO. 08-9
ORDINANCE NO. 08-9**

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 204.010 (c) OF THE BUTTE-SILVERBOW MUNICIPAL CODE (B-SB); ADJUSTING THE ANNUAL SALARY OF THE SHERIFF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-4

A RESOLUTION CALLING FOR AN IMPROVED NATIONAL ENERGY POLICY FOR THE 21ST CENTURY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

3. COUNCIL RESOLUTION NO. 09-6

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF UNDEVELOPED EAST GALENA STREET AND THE ALLEY WITHIN LOTS ON YELLOW JACK LODE IN BLOCK 3 AND A PORTION OF OHIO AVENUE IN BLOCK 7 OF THE KINGS ADDITION NO. 2 TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

4. COUNCIL RESOLUTION NO. 09-7

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS THE EAST 56.5 FEET OF LOT 50 OF THE LIZZIE LODGE, AN UNFILED PLAT, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION XII CALENDAR OF OTHER MEETINGS AND EVENTS

Feb. 9	Archives	Noon	Archives Center
Feb. 11	Fair Board	5:30 PM	Business Development Center
Feb. 11	Law Enforcement Commission	4PM	Chief Executive's Conference Room
Feb. 11	Library	5PM	Library Building
Feb. 16	Holiday		
Feb. 17	Housing Authority	5:30 PM	Silver Bow Housing
Feb. 17	Parks & Recreation	4:15PM	Civic Center Conference Room
Feb. 17	Technical Review Committee	1:30PM	Water Company Building
Feb. 18	Community Enrichment	10AM	Health Department
Feb. 18	LEPC Committee	Noon	1 st Floor Conference Room
Feb. 18	TIFID Board	11:30AM	Business Development Center
Feb. 19	Zoning Board	10AM	Business Development Center

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT

JANUARY 28, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PUBLIC HEARING

TO CONSIDER PROPOSED TEXT AMENDMENTS TO SECTION 10 – DESIGN STANDARDS AND SECTION 11 – REQUIRED IMPROVEMENTS AND THE CREATION OF APPENDIX A – FIRE PROTECTION STANDARDS OF THE SUBDIVISION ORDINANCE.. (Communication No. 09-51 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Steve Hess, Acting Planning Director, made the staff report. These amendments have been in the works for about two years now – one is based on the experience of the planning department in approving subdivisions.. Also on the experience of the Public Works Department and the Fire Department. The main amendments are to the road standards and fire protection standards. They are trying to get the subdivision roads built to a county standard so that everybody has an accessible, properly constructed road to drive on.

Commissioner Moodry asked if this would be retroactive and when would it take effect. Mr. Hess said they would not be retroactive. Commissioner Frasz asked if there was a long-range plan where we could have those subdivisions that are currently here go into an SID to improve those roads. Mr. Hess said the ordinance does deal with that and it is up to the owners of the property. Commissioner Lee asked what about the maintenance phase once they already get the construction in. Who's going to enforce that defensible space over the years. Mr. Hess says a lot of the responsibility is going to fall on the Fire Department and a lot of the responsibility for the roads is going to fall on the Public Works. The Planning Department will also be involved. Mr. Lee asked Jeff Miller, Fire Director, if he thought he would have to increase his manpower. Mr. Miller said there is no question it is going to add a burden. Most of these things that have been brought out in these proposed standards, we have experienced every single one of them. If we get these measures in place, I don't think there's going to be an overrun of development right away that would require too much attention. We would put it into our rotation just like we do now. Mr. Lee asked if any of the volunteers would be used to do any of these inspections. Mr. Miller said he thinks they could utilize the volunteer districts that are in those outlying areas. They do it now. This would just add another level that would have some enforcement capability that would go along with it. Commissioner Shaw asked if

we could look at bonds for accountability issues. Mr. Hess said they have to provide fire protection plans that have to be reviewed and approved. We did not look at that. It is something we could look at. This could be taken over by Homeowners Association.

Chairman Palmer then opened the public hearing at 8:22PM and called for any proponents. The following came forward.

Jeff Miller, Fire Services Director
Terry Bond, member DNRC in Anaconda
Sheriff Walsh, Butte-Silver Bow

Chairman Palmer then called for any opponents. There was no response so he called the Public Hearing closed at 8:26PM.

SECTION II COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. *Committee recommends that Communication No. 08-722 be held in abeyance*

SECTION III COMMUNICATION NO. 08-733

Mollie A. Mafei, Deputy County Attorney, requesting concurrence in purchase of Parcel #1903255 in settlement of lawsuit with the James Company and recommending Parks Department remove playground equipment as part of City-County's Open Space Plan. *Committee recommends that Communication No. 08-733 be held in abeyance.*

SECTION IV COMMUNICATION NO. 08-769

Liz Smith, Chairperson, Montana Sled Dog, Inc., requesting time on the agenda for a presentation about the 24th Annual Race to the Sky Sled Dog Event scheduled for 2/12/09. *Committee recommends to deny the request in Communication and place on file.*

SECTION V COMMUNICATION NO. 08-791

Rob Macioroski, Director Land Office, requesting council direct County Attorney to prepare a resolution and deed for transfer of county-owned property to Killgore Developments, LLC. *Committee recommends to cross reference Communication No. 08-791 to Resolution No. 09-7 and place on file.*

SECTION VI COMMUNICATION NO. 08-797

Robert A. Macioroski, Director Land Office, requesting County Attorney be directed to prepare a resolution and documentation for transfer of Storm Sewer

Easement from Frank Antonioli. *Committee recommends that Communication No. be held in abeyance.*

SECTION VII COMMUNICATION NO. 08-801

Ellen Donohue, Attorney, Montana Legal Services, Association, requesting Council renew the lease on the Jacobs House for six years. *Committee recommends that Communication No. 08-801 be held in abeyance.*

SECTION VIII COMMUNICATION NO. 09-03

Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting to make a presentation to the Council of Commissioners, January 21, 2009. *Committee recommends that Communication No. 09-03 be placed on file.*

SECTION IX COMMUNICATION NO. 09-16

Gary Keeler, Transit Director, requesting time on 1/21/09 agenda to conduct a public hearing regarding the update to Butte-Silver Bow's Paratransit Plan. *Committee recommends that Communication No. 09-16 be placed on file.*

SECTION X COMMUNICATION NO. 09-29

Dori Skrukud, Assistant Director, Community Development Department, requesting time on 2/4/09 agenda to conduct a budget amendment public hearing. *Committee recommends that Communication No. 09-29 be held for public hearing on 2/4/09*

SECTION XI COMMUNICATION NO. 09-30

Dan Foley, Commissioner District 9, requesting time on 2/4/09 agenda for Phyllis Ruana, Director Animal Services, to make a presentation on the Animal Services Department. *Committee recommends that Communication No. 09-30 be placed on file.*

SECTION XII COMMUNICATION NO. 09-44

Karen Byrnes, Community Development Department, requesting public hearing be set for 2/4/09 to adjust budget authority to account for an increase of grant funds for Butte Native Plant Propagation Nursery Program.. *Committee recommends that Communication No. 09-44 be held for public hearing on 2/4/09*

SECTION XIII**COMMUNICATION NO. 09-45**

Mark Moodry, Commissioner District 7, requesting authorization for hiring Mr. J. D. Lynch as Butte-Silver Bow's lobbyist for 2009 Montana Legislative Session. *Committee recommends that Communication No. 09-45 be placed on file.*

SECTION XIV**COMMUNICATION NO. 09-48**

Paul Babb, Chief Executive, requesting concurrence in appointment of Dan Dennehy as the Public Works Director. *Committee recommends that Communication No. 09-48 be placed on file.*

SECTION XV**COMMUNICATION NO. 09-49**

Rob Macioroski, Land Records Department, requesting approval of sale and authorization of preparation of a resolution of sale of vacant lands in the 1100 Block of Caledonia. *Committee recommends that Communication No. 09-49 be denied and placed on file*

SECTION XVI**COMMUNICATION NO. 09-51**

Stephen D. Hess, Acting Planning Director, requesting public hearing be scheduled for 1/28/09 to hear public comment on proposed test amendments to the Subdivision Regulations of the City and County of Butte-Silver Bow. *Committee recommends that Communication No. 09-51 be placed on file.*

SECTION XVII**COMMUNICATION NO. 09-52**

Dan Dennehy, Interim Public Works Director, requesting time on the 2/4/09 agenda to conduct a bid opening for 2009 Construction Season Asphalt Supply. *Committee recommends that Communication No. 09-52 be held for bid opening on 2/4/09.*

SECTION XVIII**COMMUNICATION NO. 09-56**

Karen Byrnes, Director, Community Development Department, requesting Council schedule a public hearing 2/4/09 to receive comment to amend 2008-2009 agenda to create budget authority for grant monies from Edward Byrne Memorial Justice Assistance Grant. *Committee recommends that Communication No. 09-56 be held for public hearing on 2/4/09*

SECTION XIX**COMMUNICATION NO. 09-58**

Cindy McIlveen, Planning Specialist, requesting public hearing be scheduled for 2/4/09 to solicit public comment on amendment to 2008/2009 budget for Natural

Resources Damage Program. *Committee recommends that Communication No. 09-58 be held for public hearing on 2/4/09.*

SECTION XX

COMMUNICATION NO. 09-59

Cindy McIlveen, Planning Specialist, requesting public hearing be scheduled 2/4/09 to solicit comment on amendment to 2008/2009 budget for Natural Resources Damage Program. *Committee recommends that Communication No. 09-59 be held for public hearing 2/4/09*

SECTION XXI

COMMUNICATION NO. 09-60

Dave Palmer, Council Chairman, requesting Chief Executive appoint an Ad Hoc Committee to research possible solutions to vandalism and thefts. *Committee recommends that Communication No. 09-60 be placed on file*

FINANCE & BUDGET COMMITTEE MEETING REPORT JANUARY 29, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 09-31

Sally Hollis, Clerk and Recorder, requesting approval of line item budget transfers. *Committee recommends approval of Communication No. 09-31 and place on file.*

SECTION II COMMUNICATION NO. 09-32

Sally Hollis, Clerk and Recorder, requesting approval of line item budget transfers. *Committee recommends approval of Communication 09-32 and place on file.*

SECTION III COMMUNICATION NO. 09-57

Rick Larson, Health Department Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-57 be approved and placed on file.*

SECTION IV COMMUNICATION NO. 09-19

Roger Ebner, Disaster and Emergency Services requesting authorization for Chief Executive to issue and release payment to Dunne Communications for Biannual Maintenance Services. *Committee recommends that Communication No. 09-19 be approved and placed on file.*

SECTION V EXPENDITURE REPORT

1/21/09

\$327,760.68

Committee approves expenditure report with the exception of Claim #6419. Committee requests that the Animal Control Director be asked to attend the next Finance and Budget Committee Meeting.

1/28/09

Committee approves contingent on Council approval of Communication No. 09-64 Claim #6419 was held in abeyance on 1/21/09. Approve and place on file.

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 28, 2009

SECTION I

COMMUNICATION NO. 08-707

Barb Skelton, requesting authorization for Chief Executive to sign resolution calling for an improved National Energy Policy for the 21st Century. ***Committee recommends that Communication No. 08-707 be cross-referenced with Resolution No. 09-04 and placed on file.***

SECTION II

COUNCIL BILL NO. 08-9
ORDINANCE NO. 08-9

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW
ORDINANCE NO. 134 AND SECTION 204.010 (c) OF THE BUTTE-SILVER
BOW MUNICIPAL CODE (B-SB); ADJUSTING THE ANNUAL SALARY OF
THE SHERIFF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
*Committee recommends that Council Bill No. 08-9, Ordinance No. 08-9 be
placed on final reading.*

SECTION III

COUNCIL RESOLUTION NO. 09-4

A RESOLUTION CALLING FOR AN IMPROVED NATIONAL ENERGY POLICY FOR THE 21ST CENTURY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 09-4 be placed on final reading and cross-reference with Communication No. 08-707.*

SECTION IV

COUNCIL RESOLUTION NO. 09-6

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF UNDEVELOPED EAST GALENA STREET AND THE ALLEY WITHIN LOTS ON YELLOW JACK LODE IN BLOCK 3 AND A PORTION OF OHIO AVENUE IN BLOCK 7 OF THE KINGS ADDITION NO. 2 TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommends that Council Resolution No. 09-6 be placed on final reading.*

SECTION V

COUNCIL RESOLUTION NO. 09-7

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A
PARCEL OF REAL PROPERTY DESCRIBED AS THE EAST 56.5 FEET

OF LOT 50 OF THE LIZZIE LODGE, AN UNFILED PLAT, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution 09-7 be placed on final reading.*

SECTION V

CLAIM APPROVAL

6000	Sandra Newmann	\$160.00	Garbage Refund
6281	Northwestern Energy	\$394,146.03	Property tax refund

Committee approves of above claims as presented.

PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 28, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **PETITION NO. 08-13**

John Harrington, Building Official, requesting on behalf of Galena Street, LLC to close and vacate an undeveloped portion of East Galena Street and the alley between Ohio and Oklahoma Streets in Block 3, Yellow Jack Lode. ***Committee recommends that Petition No. 08-13 be cross referenced with Council Resolution No. 09-6 and placed on file.***

SECTION II **COMMUNICATION NO. 08-738**

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. ***Committee recommends that Communication No. 08-738 be held in abeyance.***

SECTION III

COMMUNICATION NO. 08-747

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns – Caledonia Street to Western Street. *Committee recommends that Communication No. 08-747 be held in abeyance.*

SECTION IV **COMMUNICATION NO. 09-40**

John Morgan, Commissioner, District 3, regarding request of Pastor Russ Koch, Assembly of God Church for flashing lights at crosswalk in front of the church (2055 Florence Avenue). ***Committee recommends that Communication No. 09-40 be held in abeyance.***

SECTION V **COMMUNICATION NO. 09-42**

Dawn Silk, Water Division Accountant, requesting authorization for Chief Executive to sign agreement for extension of water service plan for Albert VanderLinde. *Committee recommends that Communication No. 09-42 be approved and placed on file.*

